**HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

**Writ Petition No. 10650 of 2005**

**Dated:03rd October, 2005**

Between:

Garimella Sivanagamani, W/o.M.Venkata Satya Prasad,

Krishnaraopalem village, hamlet of Chimalapalapadu,

A.Konduru Mandal, Krishna District.

**..... PETITIONER**

AND

1.District Collector (Land Acquisition), Krishna District

and others.

**.....RESPONDENTS**

**HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

**Writ Petition No. 10650 of 2005**

**ORDER:**

This writ petition has been filed by Garimella Sivanagamani with a prayer to issue any writ, order or direction, more particularly a writ of Mandamus declaring the action of the respondents in not paying the compensation to her for the acquired land in Survey Nos.363/9B, 363/9C, 363/10A and 363/13B admeasuring 0.05, 0.04, 0.36 and 0.65 cents respectively in pursuance of Section 4(1) Notification dated 18.04.2002 issued under Land Acquisition Act, 1894 (for short, 'the Act') as illegal, arbitrary and also contrary to the provisions of the Act.

2. It is the case of the petitioner that the respondents 1 and 2 acquired the land of the

petitioner for providing pathway to the Social Welfare Residential School, Krishnaraopalem, and award amount has not been paid so far. Hence, the writ petition.

3. Counter affidavit has been filed by the respondents 1 and 2. The acquisition of the land in question for providing pathway to the Social Welfare Residential School, Krishnaraopalem, is not in dispute. Para.4 of the counter affidavit reads as follows:

> "In reply to the averments made in Paras.3 and 4 of the petitioner's affidavit, it is submitted that the action of the Government is strictly according to the necessity needed for providing pathway to the A.P. Residential School to avoid inconvenience to the Students and parents and other people who wanted to go along that road. The land of the petitioners was acquired along with other of the village duly following the dire necessity and also following the provisions of the Land Acquisition Act and as such there is no illegality and squarely valid under statutory provisions of the Land Acquisition Act. The land was taken advance possession on 26.09.2002 and the Award was also passed in Award No.1/2003 dated 11.02.2005. As the land was taken advance possession on 26.09.2002, the petitioner is entitled for the payment of land compensation with interest at 9% per annum for the first one year and at 15% per annum for the remaining period from the date of taking possession of land. In view of non-receipt of funds from the Requisitioning Department i.e., Executive Director, S.C. Corporation, Krishna, Machilipatnam, the amount of compensation has not been paid to the petitioner. It is further submitted that the amount of land compensation with interest thereon will be paid to the petitioner on receipt of funds from the Requisitioning Department shortly."

4. Heard learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition appearing for the respondents.

5. The factum of acquisition of the land belonging to the petitioner for providing pathway to the Social Welfare Residential School, Krishnaraopalem, is not in dispute. It is also not in dispute as to passing of the award in respect of the land belonging to the petitioner. When once the possession of the land has been taken and award has been passed, it is for the Land Acquisition Officer to deposit the amount. In that view of the matter, I deem it appropriate to direct the respondents to pay the amount awarded to the petitioner as per Award No.1/2003 dated 11.02.2005 within two months from the date of receipt of the copy of this order.

6. Accordingly, the writ petition is disposed of. No costs.

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**B.SESHASAYANA REDDY, J.**

**Dated: 03rd October, 2005.**

Note:

Issue C.C. within a week

B/O

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